



Issued: October 9, 2019

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, OCTOBER 7, 2019
ROOM 400
TOWN HALL, WEST HARTFORD, CT 06107**

FINAL MINUTES

ATTENDANCE: Chair: Kevin Ahern, Vice Chair: Kevin Prestage, Commissioners: Liz Gillette, Alternates: Gordon Binkhorst, Andrea Gomes. Staff: Todd Dumais, Town Planner; Catherine Dorau, Associate Planner

ABSENT: Commissioners: John O'Donnell, Michele Maresca

CALL TO ORDER/ROLL CALL: 7:00 P.M.

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

Gordon Binkhorst seated for Michele Maresca and Andrea Gomes seated for John O'Donnell on all items.

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Wednesday, September 4, 2019
Motion/Binkhorst; Second/Gomes; Vote 4-0.

COMMUNICATIONS:

2. a. 2020 TPZ Meeting and Filing Dates – Annual Calendar
Received. Motion/ Gillette; Second/ Prestage; Vote 5-0.

NEW BUSINESS:

3. 840 North Main Street – Application (SUP #1351) of Jeffrey Forman, Executive Director of Intensive Education Academy, Inc., requesting approval of a Special Use Permit for the expansion of an existing playground at the Intensive Education Academy. The new playground area will encompass approximately 1/3 of an acre and will be enclosed by fencing. The proposal includes new play equipment, an area with pavers for an outdoor classroom, and drainage improvements. (Submitted for TPZ receipt on October 7, 2019. Suggest required public hearing be scheduled for November 6, 2019.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/Gomes; Second/Binkhorst) (Binkhorst seated for Maresca, Gomes seated for O'Donnell) to schedule this matter for public hearing on **Wednesday, November 6, 2019 at 7:15 P.M. in Room 400, West Hartford Town Hall, 50 South Main Street.**

4. **228 Bloomfield Avenue (University of Hartford)** – Application (SUP #1353) of Greg Dumond, Architectural Building Systems, Inc., on behalf of Norman Young, University of Hartford (R.O.), requesting approval of a Special Use Permit for a proposed courtyard on existing lawn area east of the POE dormitory. The courtyard will include a gas fire pit, site landscaping, concrete walks and pavers, and a sitting wall. Also proposed is a small shed. (Submitted for TPZ receipt on October 7, 2019. Suggest required public hearing be scheduled for November 6, 2019.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/Gomes; Second/Binkhorst) (Binkhorst seated for Maresca, Gomes seated for O'Donnell) to schedule this matter for public hearing on **Wednesday, November 6, 2019 at 7:15 P.M. in Room 400, West Hartford Town Hall, 50 South Main Street.**

5. **847 South Quaker Lane (Beachland Park)** – Application (SUP #1354) of Marc Blanchard, West Hartford Department of Leisure Services and the West Hartford Dog Park Coalition, requesting approval of a Special Use Permit for a temporary fenced-in dog park at Beachland Park. The temporary dog park would run from December 2019 to the end of March 2020. (Submitted for TPZ receipt on October 7, 2019. Suggest required public hearing be scheduled for November 6, 2019.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/Gomes; Second/Binkhorst) (Binkhorst seated for Maresca, Gomes seated for O'Donnell) to schedule this matter for public hearing on **Wednesday, November 6, 2019 at 7:15 P.M. in Room 400, West Hartford Town Hall, 50 South Main Street.**

6. **119 Flagg Road (Westmoor Park)** – Application (IWW #1114) of the Town of West Hartford, (Helen Rubino-Turco, Director of Leisure Services) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an onsite soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on October 7, 2019. Suggest required public hearing be scheduled for November 6, 2019.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Gomes, Second/Binkhorst) (Binkhorst seated for Maresca, Gomes seated for O'Donnell,) to schedule this matter for public hearing on **November 6, 2019 at 7:15 P.M. in Room 400, West Hartford Town Hall, 50 South Main Street.**

7. **119 Flagg Road (Westmoor Park)** – Application (SUP #1352) of the Town of West Hartford, (Helen Rubino-Turco, Director of Leisure Services) requesting approval of a Special Use

Permit for the construction of an open-air outdoor classroom structure with an approximate footprint of 30 x 60 ft. The structure includes handicapped accessibility and limited lighting. No sound amplification system is proposed. (Submitted for TPZ receipt on October 7, 2019. Suggest required public hearing be scheduled for November 6, 2019.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/Gomes; Second/Binkhorst) (Binkhorst seated for Maresca, Gomes seated for O'Donnell) to schedule this matter for public hearing on **Wednesday, November 6, 2019 at 7:15 P.M. in Room 400, West Hartford Town Hall, 50 South Main Street.**

8. **37 Fox Meadow Lane** – Application (IWW #1113) of Robert J. Raboin requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an onsite soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on October 7, 2019. Suggest required public hearing be scheduled for November 6, 2019.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Gomes, Second/Binkhorst) (Binkhorst seated for Maresca, Gomes seated for O'Donnell,) to schedule this matter for public hearing on **November 6, 2019 at 7:15 P.M. in Room 400, West Hartford Town Hall, 50 South Main Street.**

9. **1800 Asylum Avenue** – Application (IWW #1115) of Bestech Inc. on behalf of Fintech Village, LLC c/o Ideanomics, Inc. (R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetlands regulated area. The requested activities include the abatement and removal the former School of Social Work building and soils adjacent to the building. The proposed activities are within a 150' upland review area. No direct wetlands impacts are proposed. (Submitted for IWWA receipt on October 7, 2019. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, in accordance with the Town of West Hartford Inland Wetlands and Watercourse Regulations, a motion was made by the IWWA (Motion/Binkhorst, Second/Gomes) (Binkhorst seated for Maresca, Gomes seated for O'Donnell) to find the application to be non-significant. By a **vote of (5-0)**, the motion passed and proposed regulated activity was found to be **NON-SIGNIFICANT** and thus conditionally approved the based on the following findings:

1800 ASYLUM AVENUE
INLAND WETLAND APPLICATION IWW #1115
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **1800 Asylum Avenue** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1115** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities, which are made inevitable by the proposed regulated activity, will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located **1800 Asylum Avenue**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.

- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) Weekly inspection reports of the sediment and erosion controls shall be submitted to the Town Planner. Additional erosion and sediment control measures shall be implemented and/or installed throughout the course of construction as/if deemed necessary and directed by the Design Engineer and/or West Hartford Town officials.
- 4.) Prior to the start of any site disturbance, all sediment and erosion controls and tree protection shall be installed. Once installed, but before the commencement of any disturbance, the Town Planner shall be notified and provided the opportunity to inspect.
- 5.) No additional work in the wetlands area is permitted without the prior review and approval of the Agency.
- 6.) All demolition and remediation equipment shall be properly stored.
- 7.) Monthly progress reports on the status of the demolition and soil remediation work shall be submitted to the Town Planner and transmitted to the Agency.
- 8.) The Agency shall receive copies of all materials, correspondence and permits received from Connecticut Department of Energy and Environmental Protection and the United States Environmental Protection Agency.

The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

OLD BUSINESS:

10. **1 Memorial Road** – Application (SUP #1258-LB-19) of Valerio Zambrano on behalf of Delamar West Hartford LLC, requesting TPZ review and look-back of compliance with the conditions of SUP #1258. Originally approved September 6, 2017 for a ninety-eight seat outdoor dining for Artisan restaurant. (Submitted for TPZ receipt on September 4, 2019. Required public hearing scheduled for October 7, 2019.)

The TPZ acted by **unanimous vote (5-0)** (*Motion/Binkhorst; Second/Gomes*) (*Binkhorst seated for Maresca, Gomes seated for O'Donnell*) to determine that the Special Use Permit did not require additional conditions of approval.

11. **991 Farmington Avenue** – Application (SUP# 1302-LB-19) of Dorjan Puka of Zohara restaurant, on behalf of LaSalle Road Partners, R.O. (Hilary Donald, AIA), requesting TPZ review and look-back of compliance with the conditions of SUP #1302. Originally approved October 2, 2017 for an eighty seat outdoor dining area for Zohara restaurant. (Submitted for TPZ receipt on September 4, 2019. Required public hearing scheduled for October 7, 2019.)

The TPZ acted by **unanimous vote (5-0)** (*Motion/Binkhorst; Second/Gomes*) (*Binkhorst seated for Maresca, Gomes seated for O'Donnell*) to determine that the Special Use Permit did not require additional conditions of approval.

12. **25 Flagg Road** – Application (SUP #1349) of Michael Louis, Club Manager on behalf of the Hartford Tennis Club, requesting approval of a Special Use Permit to install a 10' x 12' shed near the southeast corner of the property. (Submitted for TPZ receipt on September 4, 2019. Required public hearing scheduled for October 7, 2019.)

The TPZ acted by **unanimous vote (5 - 0)** (*Motion/Gomes; Second/Prestage*) (*Binkhorst seated for Maresca, Gomes seated for O'Donnell*) to **GRANT** the Special Use Permit application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking, loading, trash and recycling facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. Plans of record are incorporated by reference in this approval as fully set forth herein and modified by the conditions below.
3. The shed shall be adequately maintained in good working order and remain clear of debris and vegetation.
4. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by October 2021 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
5. This letter of approval shall be stripped onto the final plan.

13. **60 North Main Street (North Cemetery)** – Application (SUP #1333-R1-19) of Brooke Nelson on behalf of the West Hartford Department of Public Works, requesting a modification of the conditions of approval for SUP#1333 originally approved on March 4, 2019 for the expansion of the North Cemetery. The requested modification seeks to permit the sale of some of the burial plots based on Fall groundwater test results in lieu of the originally required Spring

testing period. (Submitted for TPZ receipt on September 4, 2019. Required public hearing scheduled for October 7, 2019.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/Gillette; Second/Binkhorst) (Binkhorst seated for Maresca, Gomes seated for O'Donnell) to **GRANT** the Special Use Permit application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking, loading, trash and recycling facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. Plans of record are incorporated by reference in this approval as fully set forth herein and modified by the conditions below.
3. The area labeled "5 Proposed Two-grave Lots Over Existing Drainage Facility" shall be relabeled as "Unusable Lots."
4. Prior to the sale of the remaining 163 burial plots, the additional groundwater test results shall be evaluated in the Spring in the vicinity of the low point of the new proposed burial area to establish a groundwater elevation. A groundwater report shall be transmitted by the Town Engineer to the Town Planner and TPZ. If high ground water is encountered, the Applicant shall conduct additional evaluation and report back to the TPZ for consideration of additional conditions such as expansion of additional "unusable areas" or designation of "cremation only plots".
5. The first five (5) rows of burial plots, ninety (90) plots in total, immediately east of North Main Street, are deemed unusable to ensure the preservation of the existing trees in the area. If the applicant desires use of this area for future burials, an amendment to the Special Use Permit will be required. As part of any such amendment, the TPZ shall require the submission of a detailed tree preservation and replanting plan prepared by a licensed arborist.
6. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by October 2021 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
7. The letter of approval shall be stripped onto the final plan.

14. **269 Ridgewood Road** – Application (IWW #1111) of Meghan O'Shea, Applicant & Owner (and Steven Honyotski, R.O.), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a

watercourse (Wood Pond). On May 28, 2019 a Notice of Inland Wetlands & Watercourse Violation was issued by the Designated Agent for work without permits within a regulated area. The applicant is requesting approval for previously performed site disturbance activities and for the placement of natural boulders for stabilization of the shoreline of the pond, installation of landscape plantings, and the construction of a dock and a ramp with stone landing along the bank of Wood Pond. All activity within 150 ft. upland review regulated area.. (Submitted for IWWA receipt on September 4, 2019. Determined to be potentially significant and public hearing scheduled for October 7, 2019.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Gillette; Second/Gomes) (Binkhorst seated for Maresca, Gomes seated for O'Donnell) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

269 RIDGEWOOD ROAD
INLAND WETLAND APPLICATION IWW #1111
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **269 Ridgewood Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1111** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities, which are made inevitable by the proposed regulated activity, will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements

or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located at **269 Ridgewood Road.**

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) During active construction/site work, bi-weekly inspection reports of the sediment and erosion controls shall be submitted to the Town Planner. Additional erosion and sediment control measures shall be implemented and/or installed throughout the course of construction as/if deemed necessary and directed by the Design Engineer and/or West Hartford Town officials.
- 4.) Prior to the start of any site disturbance, all sediment and erosion controls and tree protection shall be installed. Once installed, but before the commencement of any disturbance, the Town Planner shall be notified and provided the opportunity to inspect.
- 5.) The Applicant shall submit to the Town Planner for review and approval by the Town Engineer final as-built plans certifying that all grading and public improvements were completed in accordance with the approved plans. Such certification shall be made by a registered professional engineer.
- 6.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

TOWN COUNCIL REFERRAL:

- 15. **Ordinance Permitting Sponsorship Signs in Municipal Parks:** Zoning ordinance amendment permitting sponsorship signage in municipal parks (Town Council receipt on

September 10, 2019. TPZ receipt on October 7, 2019. Town Council public hearing on October 22, 2019.) ***Recommend Denial. Motion/Prestage; Second/Gillette; Vote 5-0.***

16. **Resolution authorizing the Town Manager to execute an easement in favor of Gastro Park Holdings, LLC** (Town Council receipt on September 10, 2019. TPZ receipt on October 7, 2019.) ***To Take Out of Order On Agenda. Motion/Prestage; Second/Gillette; Vote 5-0. Recommend to Approve. Motion/Gillette; Second/Binkhorst; Vote 5-0.***

TOWN PLANNER'S REPORT:

17. **298 Oakwood Ave., 81 & 91 Mozart St.** – (IWW # 1098): Designated Agent update on modifications to approved IWW Permit #1098. ***Town Planner, Todd Dumais provided an update.***

18. **Plan of Conservation and Development Update:** Review of latest draft text for the POCD. ***Town Planner, Todd Dumais provided an update and discussed project schedule.***

MEETING ADJOURNED: 9:55 P.M.